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REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Memorandum submitted by the International Labour Office

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I. Ratification of Conventions

1. Since the previous session of the Sub-Commission, there has been a large number of further ratifications of ILO Conventions on subjects relating to the concerns of the Sub-Commission. The following summarizes the ratifications of those among the ILO's 174 Conventions of special relevance for human rights.

Convention	Total ratifications	Since 30 June 1993
Forced Labour		
No. 29	135	Tadjikistan
No. 105	113	Hungary
Discrimination		
No. 100	120	Tadjikistan
No. 111	118	Tadjikistan
No. 156	21	Guatemala
Freedom of Association		
No. 87	110	Estonia, Tadjikistan, Turkey
No. 98	124	Estonia, Netherlands, Tadjikistan
Migrant Workers		
No. 97	40	-
No. 143	17	-
Indigenous and Tribal Peoples		
No. 107	27	-
No. 169	7	Paraguay, Peru
Minimum Age		
No. 138	46	Tadjikistan
Vocational Rehabilitation		
No. 159	49	Guatemala, Panama, Tadjikistan

II. Application of Conventions

2. Within the framework of the regular programme for the supervision of ILO Conventions and Recommendations, the Committee of Experts on the Application of Conventions and Recommendations addressed a number of comments to ratifying States at its February 1994 session, which are contained in its report to the 81st session of the International Labour Conference. 1/ This report was in turn discussed by the Conference Committee on the Application of Conventions and Recommendations, which invited a number of Governments to appear before it so as to give information on points raised by the Committee of Experts.

3. The Committee of Experts also examined reports supplied under article 19, paragraphs 5 and 7, of the ILO Constitution, by member States on the Freedom of Association and Protection of the Right to Organise Convention (No. 87), 1945 and the Right to Organise and Collective Bargaining Convention (No. 98), 1949. 2/ It drew up a General Survey on the basis of these reports, containing an analysis of the requirements of these instruments and of the measures taken by Governments to implement their provisions.

III. Adoption of new standards

4. At its 81st session (June 1994), the International Labour Conference adopted the Part-time Work Convention (No. 175) and Recommendation (No. 182). The Conference also held the first discussion on future standards concerning safety in mines.

IV. Action against apartheid in South Africa

5. Since the previous session of the Sub-Commission, ILO has continued its anti-apartheid activities under the Declaration concerning Action against Apartheid in South Africa, originally adopted by the International Labour Conference in 1964 and updated most recently in 1991. Activities for following up and monitoring measures against apartheid taken or not taken by the ILO's constituents were mainly carried out through the Office, the Committee on Legal Issues and International Labour Standards of the Governing Body, and the International Labour Conference's Committee on Action against Apartheid.

6. At the 80th session (1993) of the ILO Conference, the Committee on Action against Apartheid requested the Director-General to submit a report to the November 1993 session of the Governing Body on progress made towards the elimination of apartheid. The Director-General created an Interdepartmental Task Force and in August and September 1993 two missions visited South Africa to assess the political situation in order to report back to the Governing Body and to gather information for a plan of action for ILO assistance to the country in making the transition to full democracy. At its November 1993 session, the Governing Body decided to suspend the application of the Declaration concerning Action against Apartheid in order to allow the implementation of the plan of action; it also decided to place on the agenda of the 81st (1994) session of the International Labour Conference, for consideration by the Committee on Action against Apartheid, a question concerning the review of the Declaration.

7. In January 1994 the Director-General sent another mission to South Africa under the leadership of Mr. Faisal Abdel-Rahman, Assistant Director-General responsible for ILO activities in Africa, for further discussions on ILO technical assistance to post-apartheid South Africa. The Governing Body decided in March 1994 that the ILO should assist South African workers' and employers' organizations with voter education and allocated US$ 150,000 for that purpose.

8. This year, the Committee on Action against Apartheid will consider at the 81st session of the International Labour Conference (June 1994), the Special Report of the Director-General on the Review of the Declaration concerning Action against Apartheid in South Africa, giving an historic description of ILO action against apartheid and summarizing the replies received from Governments and from employers' and workers' organizations to the revised questionnaire on the implementation of the Declaration, as well as action by other intergovernmental organizations, and a supplement to the Special Report outlining the major events in the labour and social fields in South Africa since its preparation.

9. Following the successful completion of the multi-racial elections in April 1994 and the installation of a democratic Government, the Republic of South Africa rejoined the ILO on 26 May 1994. In the light of these new developments, the 81st session (1994) of the International Labour Conference will formally review the Declaration concerning Action against Apartheid with a view to rescinding it. It is expected also to adopt a revised plan of action concerning the ILO's future work in South Africa.

V. Freedom of association in South Africa

10. In its resolution 1992/12 of 20 July 1992, the Economic and Social Council of the United Nations (ECOSOC) requested the Secretary-General to invite the Government of South Africa to report on the measures it had taken to give effect to the recommendations of the ILO Fact-finding and Conciliation Commission on Freedom of Association (FFCC), which visited South Africa in 1992, and to transmit the Government's report to the ILO with a request that the ILO, in turn, report its advice and comments back to ECOSOC. By a letter dated 17 November 1993, the Secretary-General transmitted to the Director-General of the ILO a report from the Government of South Africa containing its response to the FFCC's recommendations. In accordance with ECOSOC's request, the Committee on Freedom of Association of the ILO Governing Body examined the Government's report at its March 1994 meeting. The Committee's report, which contains its conclusions and recommendations in respect of a series of measures taken by the Government to implement the FFCC's recommendations, noted with interest various legislative improvements concerning freedom of association of public servants and agricultural workers and the working conditions of domestic workers. It was approved by the Governing Body at its 259th session (March 1994). By a communication dated 25 April 1994, the Director-General of the ILO referred the Committee's report to the United Nations Secretary-General for transmission to ECOSOC.

VI. Situation of Arab workers of the occupied Arab territories

11. For the sixteenth consecutive year, the Director-General sent a mission to visit Israel and the occupied Arab territories. This April 1994 visit was preceded, as in previous years, by a preparatory mission to the Arab countries concerned in order to hold consultations with government authorities, and with employers' and workers' organizations as well as with the Palestine Liberation Organization (PLO). The report based on these missions examined the evolution of the situation of the Arab workers living in these territories and the measures taken, if any, by the Israeli authorities following the recommendations made in previous reports. Taking into account the special context in which the situation was examined, and in the light of all the recent political developments which have taken place, the report considered the various aspects of equality of opportunity and treatment for workers of the occupied Arab territories with regard to the economy and the labour market, including education and training and employment opportunities, conditions of work, including the social insurance system, the trade union situation, the situation in the Golan, the establishment of Israeli settlements and their impact on living and working conditions, and more particularly the ILO programme of technical cooperation. A number of substantial conclusions and recommendations were made. The report on this subject appeared in an appendix to the Report of the Director-General submitted to the International Labour Conference at its 81st session, in June 1994, which will consider it at a special sitting of the Conference.

12. Since 1978, the ILO has been monitoring the situation of Palestinian workers and has all along maintained that it can best serve their interests and those of Palestinian employers through the provision of adequate and appropriate technical assistance. The complex and sensitive environment that affected the occupied Arab territories during the past two decades prevented the realization of this objective. However, developments that took place in the last quarter of 1993 on the Palestinian/Israeli scene heralded the start of a new era of particular significance to the ILO's future role in the occupied Palestinian territories.

13. With the signature on 13 September 1993 of the Declaration of Principles on Interim Self-Government Arrangements between the State of Israel and the PLO, a new situation has arisen whereby the Palestinians are to become responsible for the establishment and development of their democratic institutions and the creation of a viable economy. While fully acknowledging the need and importance for the ILO to continue with its monitoring efforts, the role of its technical cooperation is expected to assume new dimensions and importance in the light of these developments.

14. Contacts were made between the International Labour Office and the PLO to determine the future role of the ILO in providing technical assistance to the occupied Arab territories. A request was received by the Director-General from Chairman Yasser Arafat for the Office to prepare a blueprint for the development of the social sector. A number of technical missions have since taken place, which have resulted in the drafting of a programme of action for transition in the occupied Palestinian territories. This programme comprises some 30 project ideas addressing priority needs, and constitutes the basis of a comprehensive and integrated plan that is intended eventually to come under

full Palestinian management. It provides analyses in areas of ILO concern and argues that the objectives of a strategy to develop the labour and social sectors should be the creation of employment opportunities, the reduction of poverty and the strengthening of social protection. In order to achieve these objectives a cohesive policy framework should be designed, foundations laid for the necessary institutions, and resources managed in such a way as to strike a balance between high expectations and the requirements of investment in the future. In the field of labour administration, work will centre on the creation of a Labour and Social Welfare Department and the design of active labour market policies. Industrial relations activities will include the strengthening of workers' and employers' organizations, workers' education and the creation of a tripartite forum to encourage dialogue between the social partners. In the area of employment creation, it is envisaged that support will be provided for private sector initiatives, small enterprise creation and the implementation of employment-intensive infrastructure programmes. In addition to strengthening vocational training, emphasis will be placed on the vocational rehabilitation of ex-detainees and persons with disabilities. The programme of action also includes components to develop social security, equality of opportunity for women and social and labour statistics. Financial measures have been taken by the ILO in order to facilitate the development of the ILO package, contribute to the process of coordination among all parties concerned and support the capacity-building of Palestinians within the Palestinian Economic Council for Development and Reconstruction (PECDAR).

VII. Women workers

15. The promotion of equality of opportunity and treatment for men and women in employment is one of the priority themes in the programme and budget for 1994/95. Relevant activities are carried out across the overall ILO programme and through all means of action including international labour standards, research, advisory services, meetings, technical cooperation activities and information dissemination.

16. The key areas of ILO action for the advancement of the status of women workers are:

(a) To assist member States in the adoption of comprehensive national strategies for the promotion of full equality for women in employment, as requested by the resolution on ILO action concerning women workers, adopted in 1991. This involves assistance for: the design of national policies and instruments for its implementation; the adoption, revision and enforcement of appropriate legislation, based on international labour standards; the implementation of practical measures, including positive action; and the promotion of tripartite dialogue and involvement concerning equality;

(b) To develop the institutional capacity of member States for the promotion of equality, by strengthening the national machineries on equal opportunities, by contributing to gender sensitization in Governments, employers' and workers' organizations, and by promoting national, regional and international linkages and exchanges of experiences for the development of support networks;

(c) To alleviate poverty and the situation of particularly vulnerable groups of women, by improving women's access to employment, entrepreneurship, training, organization and social protection;

(d) To promote the participation of women in decision-making at all levels, in particular in Governments, and in employers' and workers' organizations.

17. The ILO has completed the Interdepartmental Project on Equality for Women in Employment which was carried out during the 1992-1993 biennium. The project has generated a wealth of data and insight to guide future action relating to the effectiveness of legislation, the tackling of obstacles to equality in the labour market and the formulation of policies and programmes for addressing gender equality. The project demonstrated the complexity and multifaceted nature of the gender inequality problem and, therefore, the need to adopt an integrated and coherent framework to address it.

18. The project completed 20 working papers (most available in only one language) including: Women workers, unions and industrial sectors in North America; Gender inequality in the labour market: Occupational concentration and segregation: A manual on methodology; Statistical measurement of gender wage differentials; Cumulative disadvantage: Women industrial workers in Malaysia and the Philippines; Les syndicats et les travailleuses dans le secteur non structuré: le cas des travailleuses domestiques à Récife, Brésil et des venduses sur les marchés à Ouagodougou, Burkina Faso; Collective bargaining and promotion of gender equality in South Africa; Unions and homeworkers: Organizing homeworkers in the informal sector in Australia, the Netherlands and Canada; El hostigamiento sexual en el empleo. ¿Qué se ha hecho hasta ahora en Costa Rica?; The unionization of women in different industrial sectors in South Africa; Participación de la Mujer en los Sindicatos de Venezuela; Collective bargaining and the promotion of equality: The case of the United Kingdom; Occupational segmentation by sex; Convention collective et la promotion de l'egalité en France; Affirmative action in the United States and its application to women in employment; Positive action in the public service and the education and training sectors in Zimbabwe; Women in trade unions in Trinidad and Tobago; Investigación sobre las actividades empredidas por las organizaciones de trabajadores/as rurales de algunos países de América Central y República Dominicana para fortalecer la participación de la mujer; The impact of recession and structural adjustment on women's employment; Enforcement of women workers' rights and Reorientación de la formación profesional para la mujer.

19. Of significance was the production of a multimedia information kit and a modular training package on women workers' rights geared to addressing the problem of lack of awareness of women's rights, which is one of the critical areas of concern in the Fourth World Conference's Platform of Action. The **information kit** consists of: an ABC of Women Workers' Rights which presents, in a clear and simple manner, the relevant terms and concepts in ILO Conventions and Recommendations of relevance to women workers; a brochure indicating the impact of international labour standards on women workers and also the contents of the main Conventions and Recommendations; a pocket guide containing provisions of the ILO Conventions and Recommendations concerning women workers; posters depicting the themes of the key ILO Conventions and

Recommendations; a video on international labour standards on women workers; and a booklet on the International Labour Organization and women workers' rights. The **trainer's guide** is made up of: an Introductory module - Gender and equality, Module 1 - The role of the ILO and the UN in promotion of women workers' rights, Module 2 - International labour standards on women workers, Module 3 - Action at national level to promote and apply equal opportunity and legal rights for women workers. These materials were pre-tested at an interregional seminar, held in Turin (Italy) in June 1993, and attended by ILO staff from the field and headquarters, and representatives of national women's machineries, ministries of labour, workers' and employers' organizations and non-governmental bodies from Africa, Asia and Latin America. The seminar generated valuable suggestions regarding the regional adaptations of the materials to enhance their utilization in the different parts of the world. Furthermore, it drew attention to the considerable potential use of the materials not only in the ILO's work but also that of the ILO's tripartite constituents — Governments and employers' and workers' organizations — non-governmental bodies, national women's machineries and other relevant organizations at the national, regional and international levels. Participants at the seminar also prepared regional plans for the local dissemination of the materials. The materials, drafted in English, have been translated into French and Spanish for wide-scale use.

20. Among the project's other publications are: A Conditions of Work Digest, Combating Sexual Harassment at Work; Comparable Work: An International Perspective; articles on "Sexual Harassment Law in Employment: An International Perspective" in International Labour Review, vol. 131, 1992, No. 6; "Women's Empowerment in Trade Unions: Recent Data from the ILO Interdepartmental project on Equality for Women in Employment" in Labour Education, 90-1993/1 (Geneva, ILO); "African Trade Unions and the Challenge of Organizing Women Workers in the Unorganized Sectors" in Labour Education, 92-1993/3 (Geneva, ILO); Women in the Trade Unions: Organizing the Unorganized; and Promoting Gender Equality in Employment in Lesotho: An Agenda for Action. In addition the following volumes are under preparation: A conditions of work digest on maternity protection; Sexual harassment at work: An overview (covers both developed and developing world); Towards equality: Positive action for women; Collective bargaining and the promotion of equality; and Trade unionism and the promotion of gender equality: A worldwide overview.

21. Four subregional, regional and interregional seminars were convened by the project in 1993. A subregional seminar for French-speaking Africa was organized in Abidjan in February 1993 on promoting women's participation in trade unions. It discussed various approaches and strategies for enhancing women's participation in trade unions, and examined the trade unions' programmes and activities concerning women workers, as well as the promotion of gender equality in the unions. The seminar emphasized the need for each trade union to elaborate an action plan to promote effectively the participation of women workers in the unions; to cover workers in the informal and rural sectors since the trade unions should also play a role in the mobilization and strengthening of these groups of workers who tend to be unprotected and often unorganized; and to keep up-to-date statistics disaggregated by sex. Furthermore, it emphasized the essential role of

workers' education, the training of women instructors in workers' education, the development of relevant workers' education materials and the need to inform women about their legal rights.

22. In November 1993, a Tripartite Regional Seminar on combating sexual harassment at work was held in Manila to, inter alia, provide an opportunity to exchange information and experience on what has been done so far, in selected countries in Asia, to bring out sexual harassment as a subject for public debate and to combat and prevent this problem; analyse measures currently used in other regions by Governments, trade unions and employers to prevent sexual harassment; and identify the remedies that are already available in the participating countries and further measures that could be taken to tackle the problem in an acceptable manner.

23. A training workshop was convened during the second half of November 1993, in Turin, Italy, on methodologies and statistical data for measuring gender wage differentials and job segregation. The course provided training to national statisticians, sociologists and labour economists on how to utilize the appropriate methodologies identified in the project with a view to contributing, through the use of effective statistical tools, to the measurement and gradual reduction of gender segregation in employment and gender wage differentials.

24. The project fielded a comprehensive multidisciplinary mission to Lesotho in November 1993 to: identify a conceptual and analytical framework to permit a comprehensive assessment of gender inequalities in the employment situation in the country; identify the critical issues requiring interventions; and make proposals regarding a coherent policy, different levels of strategies, concrete measures and institutional framework for tackling the problems and for mainstreaming gender concerns in the relevant areas of the country's development. The mission's report shows the complexity and multifaceted nature of the gender inequality problem in the work situation and emphasizes the need for the formulation of a coherent and integrated policy with strategies targeted at different levels of needs. Such a policy involves the tackling of structural economic distortions, the revision of discriminatory customary and modern laws, enforcement of relevant equality provisions such as in the constitution and the Labour Code Order, the meeting of the strategic and practical needs of women and men in diverse economic sectors including the formal, rural, the micro and small-scale enterprises, and action by the relevant institutions and by both women and men. It also entails the mainstreaming of gender concerns in all the different areas. It is stressed that gender equality is an integral part of the attainment of full democracy, the observance of human rights and social justice and the promotion of economic efficiency. Since Lesotho's main asset is its human resources, the full harnessing of these resources through the promotion of gender equality is indispensable for its development. The comprehensive analysis of gender inequality contained in the report should be of use to the Government, employers, the trade unions, international development agencies, non-governmental organizations, women's groups, researchers and other relevant bodies since it provides the base necessary for (a) the elaboration of pertinent policies, programmes, strategies and specific activities to tackle effectively the gender inequality problem and also (b) the mainstreaming of gender concerns in their work in the country. The multidisciplinary approach

adopted for the comprehensive examination of the problem of gender equality in employment could also provide guidance for similar work in other countries.

25. As a culmination of the project and also as part of the ILO's contribution to the United Nations Fourth World Conference on Women and its preparatory process, the ILO organized, under the auspices of the International Institute for Labour Studies, an International Forum on Equality for Women in the World of Work: Challenges for the Future, from 1-3 June 1994. Its objectives were to assess current trends, but more importantly to identify effective strategies and the other elements that should go into a future agenda for action to accelerate the process of gender equality in the world of work. This was a highly stimulating forum attended by researchers, policy makers and representatives of Governments and of employers' and workers' organizations, who identified a number of strategies to be implemented by the diverse institutions individually and in alliance. In addition, specific data gaps and areas for future research were identified such as on globalization and women's work, issues relating to the labour market and concerns of the vulnerable groups. In general, an integrated strategy with the involvement of all the main institutions was perceived to be an effective approach to promoting equality of opportunity and treatment of men and women in employment in a changing global environment.

26. The ILO has designed a wide range of activities as its contribution to the Fourth World Conference and its preparatory process. A European seminar on women and work was organized, in March 1994, at the International Training Centre (Turin, Italy), which was co-sponsored by the ILO, the European Union and the Italian Government. In addition, the ILO has prepared several publications and working papers. The ILO continues to issue newsletters and a film, Women and Work, is under production. In the different regions, ILO staff have provided technical support to some member States in the preparation of their national reports for this world event. Furthermore, the ILO is contributing to the technical papers for the various regional preparatory meetings and also to the preparation of the documents for the World Conference itself.

VIII. Migrant workers

27. The ILO's activities relating to international migration for employment aim at providing support to migrant-sending and migrant-receiving countries in order to help them deal with current priority concerns, cooperate in the recruitment and return of migrant workers and improve the protection of migrant workers and members of their families. The promotion of the ILO standards concerning migrant workers is a prominent feature of all activities undertaken. The key concern of these standards is non-discrimination and equality of opportunity and treatment.

28. ILO activities have contributed significantly to the acceptance of the principle of equality of treatment for migrant workers and the elimination of discrimination against them. However, the situation of most migrant workers remains a matter of concern, particularly in the countries which have not yet ratified any of the relevant Conventions and where national legislation and practice is often far from being consistent with the principles of the ILO. The development of migration for employment is becoming the focus of increased

attention by ILO constituents. After the Gulf crisis had revealed the precarious status of migrant workers, the 11th Asian Regional Conference (Bangkok, November-December 1991) and the 79th (1992) session of the International Labour Conference adopted resolutions calling on the ILO to strengthen its activities with respect to the protection and promotion of migrant workers' rights.

29. Apart from its ongoing activities related to international migration for employment, such as technical advisory services to emigration countries in the field of setting up coherent emigration and return policies, the ILO has engaged in several activities aimed explicitly at promoting the protection of migrant workers and reducing discrimination against t[illegible]e workers.

30. An interregional project was launched to combat discrimination against migrant workers and ethnic minorities in the world of work. This project, which focuses on industrialized migrant-receiving countries, aims at tackling informal or de facto discrimination. Preliminary research findings have made it clear that this kind of discrimination is widespread and persistent. Moreover, discrimination in the labour market seriously hampers the migrants' integration into society at large. The objective of the project is to reduce discrimination by informing policy makers, employers, workers and trainers engaged in anti-discrimination training on how legislative measures and training activities can be rendered more effective, based on an international comparison of the efficacy of such measures and activities.

31. A major new work item has been launched covering migrant-sending and migrant-receiving countries in Africa, the Americas, Asia and the Pacific, and Europe. The objective of this work is to promote the progressive application of international labour standards concerning migrant workers in these countries, taking into account their institutional and legislative constraints. Its immediate aims therefore are:

(a) To reinforce national capacity in the countries concerned to establish the institutional structures, competence and techniques required to manage the movement of incoming and returning migrant workers; and

(b) To provide support to the countries concerned with a view to achieving broader acceptance and application of international labour standards concerning migrant workers.

IX. Collaboration with other international organizations

32. As in the past, the arrangements whereby the ILO collaborates with other international organizations on questions concerning the supervision of international instruments and matters of interest to more than one organization continued to function in relation to discrimination in employment and occupation, indigenous and tribal peoples, migrant workers, forced labour, child labour and other questions falling within ILO's mandate. The ILO regularly takes an active part in the United Nations Commission on Human Rights and in the Sub-Commission on Prevention of Discrimination and Protection of Minorities, including the Sub-Commission's Working Groups on Indigenous Populations and on Contemporary Forms of Slavery, as well as in other working groups such as that on the right to development. The ILO also

plays a prominent role in various treaty bodies established to supervise United Nations human rights instruments, such as the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child. The ILO is cooperating with the United Nations in follow-up to the World Conference on Human Rights (Vienna, 1993), will be represented at the Population and Development Conference and the Fourth World Conference on Women, and is coordinating input to the 1995 World Social Summit.

33. Collaboration continued between the ILO, its International Training Centre in Turin, Italy, and the Centre for Human Rights through the joint working group for consultation and collaboration in relation to advisory services and technical cooperation and human rights questions.

Notes

1/ International Labour Conference, 1st session, 1994: Report III (Part 4A): Report of the Committee of Experts on the Application of Conventions and Recommendations. Copies of the Committee's annual report are regularly furnished to the United Nations Centre for Human Rights and are available on request for members of the Sub-Commission.

2/ International Labour Conference, 81st session, 1994: Report III (Part 4B), Freedom of Association and Collective Bargaining.